

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Katharine S. Hayden
v. : Crim. No. 08-540 (KSH)
ANDRE GAMBLE : CONTINUANCE ORDER

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by Mark E. Coyne, Assistant U.S. Attorney), and defendant Andre Gamble (by Linda D. Foster, Assistant Federal Public Defender) for an order granting a continuance of this action, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The defendant has expressed an interest in negotiating a plea agreement that would obviate the need for a trial;
2. should those negotiations fail, the Government's investigation may result in a superseding indictment against the defendant charging him with additional offenses;
3. AUSA Coyne has consulted with AFPD Foster, and, based upon their schedules, which include other pressing criminal

matters, the earliest feasible date for trial would be in February 2009;

4. the defendant, advised by AFDP Foster, has consented to this continuance; and

5. pursuant to 18 U.S.C. § 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial because not granting such a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, on this 25th day of November, 2008,

IT IS ORDERED that the period from November 25 through February 2, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to 18 U.S.C. § 3161(h)(8); and

IT IS FURTHER ORDERED that the scheduling order entered on October 9, 2008 ("Order") be modified as follows:

- All pretrial motions described in Order ¶ 12 will be deemed waived unless they are filed and served not later than December 29, 2008, with opposition due January 12, 2009, and the motions hearing set for January 26, 2009 at 10:00 a.m.
- Trial is set for ~~February 2~~ ^{MARCH 23}, 2009 at 9:00 a.m.
- Pretrial conference is set for ~~February 2~~ ^{MARCH 16}, 2009 at 2:00 p.m.


HON. KATHARINE S. HAYDEN
United States District Judge